

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

DRAFT CLEANUP AND ABATEMENT ORDER NO.
FOR
LARRY MORALES
GOLD BEACH PARK WASTEWATER TREATMENT FACILITY
EL DORADO COUNTY

This Order is issued to Larry Morales based on provisions of California Water Code Section 13304, which authorizes the Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) to issue a Cleanup and Abatement Order (CAO).

The Executive Officer of the Regional Water Board finds, with respect to the Discharger's acts, or failure to act, the following:

1. Larry Morales (hereafter "Discharger") owns and operates the Gold Beach Park wastewater treatment facility (WWTF), which serves 61 mobile home and recreational vehicle spaces. The WWTF consists of a wastewater collection system, three septic tank/pump stations, a 180-foot wastewater conveyance pipe that crosses over the Consumnes River, and two unlined treatment and disposal ponds.
2. Gold Beach Park is located in the southwest quarter of Section 11, T8N, R10E, MDB&M, with surface water drainage to the north fork of the Consumnes River.
3. On 23 February 1990, the Regional Water Board adopted Waste Discharge Requirements (WDRs) Order No. 90-055, which prescribes requirements for the treatment and disposal of 5,000 gallons per day (30-day dry weather average) of domestic wastewater from the park.
4. On 8 February 2007, Regional Water Board staff issued a Notice of Violation (NOV) for failure to properly maintain the WWTF and for submittal of incomplete monitoring reports. The following violations were cited:
 - Multiple leaking connections of mobile homes and recreational vehicles to the facility's WWTF;
 - Unsecured septic tank/pump station covers;
 - Inoperable and/or missing high water alarms on the park's septic tanks/pump stations;
 - Monthly and quarterly monitoring reports for the period February 2006 through December 2006 did not contain the required visual monitoring of the wastewater conveyance pipe or septic tank/pump stations;
 - Monthly monitoring reports for April 2006 and June 2006 were not submitted; and
 - Monthly monitoring reports for the period of June 2006 through September 2006 indicated that the discharge exceeded the 5,000 gallon per day (gpd) flow limit allowed

by the WDRs. Monitoring reports indicated flows ranging from 6,400 gpd to 8,500 gpd during that period.

The NOV required the Discharger to correct the problems associated with the WWTF, provide a plan to reduce wastewater flows to comply with the flow limit in the WDRs, and submit complete monitoring reports beginning in March 2007.

5. On 5 May 2007, Regional Water Board staff received a letter from the Discharger's maintenance staff, which stated that:
 - All leaking connections to mobile homes and recreational vehicles had been fixed;
 - New watertight covers would be installed on the north and south septic tanks/pump stations by the end of May 2007;
 - The high level alarm on the southern septic tank/pump station had been repaired;
 - An alarm had been ordered for the northern septic tank/pump station, and would be installed by mid-May 2007; and
 - All future monitoring reports would contain all required information.
6. On 7 June 2007, Regional Water Board staff inspected the WWTF and made the following observations:
 - Raw sewage was ponded around a loose sewer connection;
 - New covers had not been installed on the northern and southern septic tanks/pump stations;
 - The wastewater conveyance line that crosses above the Consumnes River appeared to be constructed of PVC pipe, inadequately supported, and subject to sudden failure;
 - The septic tank/pump station on the east side of the river was not fitted with an appropriate cover;
 - There was evidence of a previous sewage spill adjacent to the septic tank/pump station located on the east side of the river;
 - The wastewater pond berms were covered with vegetation, and the wastewater ponds were covered with aquatic vegetation;
 - Wastewater from the upper pond appeared to be seeping around the discharge pipe and flowing into the lower pond; and
 - Public access to the WWTF was virtually unrestricted.

Based on staff's observations during the inspection, the Discharger did not comply with the 8 February 2007 NOV and submitted a false report in response to the NOV.

7. On 7 June 2007 Regional Water Board staff received documentation from the El Dorado County Environmental Management Department indicating that El Dorado County had reviewed and approved a set of building plans to improve the wastewater conveyance line that crosses the Consumnes River in May 1998. Additionally, the documentation included a letter from the Discharger dated 20 October 1998. The letter stated that construction of the wastewater line as approved was time and cost prohibitive. Therefore, a second set of plans would be submitted for review and approval. If approved, the wastewater line could be retrofitted and/or replaced in approximately 30 days. However, El Dorado County Environmental Management Department never received a revised set of building plans for review and approval and no replacement or retrofit of the wastewater conveyance line occurred.
8. On 14 June 2007, the El Dorado County Environmental Management Department reported that the septic tank/pump station on the east side of the river had backed up and spilled wastewater to a small bermed area. The spill occurred because electrical service to the septic tank/pump station on the east side of the river was interrupted when the electrical meter was stolen.
9. On 6 July 2007, Regional Water Board staff issued a Notice of Violation to the Discharger for violations observed during staff's 7 June 2007 inspection.
10. On 13 June 2008 Regional Water Board staff inspected the WWTF and made the following observations:
 - The north and south septic tank/pump stations had been fitted with appropriate covers and the alarms were operational;
 - No upgrades had been made to the wastewater conveyance line that crosses the Consumnes River;
 - The septic tank/pump station on the east side of the river had not been fitted with an appropriate cover;
 - The ponds had excessive amounts of vegetation on the berms and within the ponds; and
 - No discharge and/or seepage to the lower pond was observed. The Discharger stated that the cause of the discharge/seepage observed during staff's 2007 inspection was a broken overflow pipe from the upper pond to the lower pond. However, excessive vegetation on the pond berms prevented staff from assessing the condition of the overflow pipe and the pond berms.
11. A review of monthly monitoring reports for the period of March 2007 through May 2008 indicates that monthly monitoring reports for the entire period are incomplete. The monthly

monitoring reports routinely fail to contain the required pH and dissolved oxygen monitoring for the wastewater ponds.

12. In summary, the Discharger has made improvements to the WWTF in the past 12 months. However, additional repairs, maintenance, and monitoring are necessary to ensure compliance with WDRs Order No. 90-55. Monthly wastewater flows above the flow limit set forth in the WDRs, unauthorized discharges outside of the designated disposal area, and submittal of incomplete monitoring reports violate Discharge Specifications and Provisions B.3, B.4 and C.2 of WDRs Order No. 90-055. Additionally, the wastewater conveyance line that crosses the Consumnes River appears to be subject to sudden failure and therefore, poses a threat to water quality.

REGULATORY CONSIDERATIONS

13. As described in the findings, the bypass of partially treated or untreated waste violates WDRs Order No. 90-055, and threatens to cause pollution or nuisance. The Discharger, by failing to properly maintain the WWTF and control the discharge, has caused or permitted, or threatens to cause or permit, waste to be discharged in such a manner that it threatens to cause a threat to public health and/or create a condition of pollution or nuisance. Each of these actions subjects the Discharger to an order under section 13304 of the California Water Code.
14. The *Water Quality Control Plan for the Sacramento River and San Joaquin River Basins, Fourth Edition*, (hereafter Basin Plan) designates beneficial uses, establishes water quality objectives, contains implementation plans and policies for protecting waters of the basin, and incorporates by reference plans and policies adopted by the State Water Board. Pursuant to Section 13263(a) of the California Water Code, waste discharge requirements must implement the Basin Plan.
15. Surface water drainage is to the North Fork of the Consumnes River. The beneficial uses of the Consumnes River are municipal and domestic supply, agricultural supply, water contact recreation, non-contact water recreation, warm freshwater habitat, cold freshwater habitat, migration of aquatic organisms, spawning, reproduction, and/or early development, and wildlife habitat.
16. The beneficial uses of the underlying groundwater are municipal, domestic, agricultural supply, and industrial service and process supply.
17. Section 13304(a) of the California Water Code provides that: *"Any person who has discharged or discharges waste into the waters of this state in violation of any waste discharge requirement or other order or prohibition issued by a regional board or the state board, or who has caused or permitted, causes or permits, or threatens to cause or permit any waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or*

nuisance, shall upon order of the regional board, clean up the waste or abate the effects of the waste, or, in the case of threatened pollution or nuisance, take other necessary remedial action, including, but not limited to, overseeing cleanup and abatement efforts. A cleanup and abatement order issued by the state board or a regional board may require the provision of, or payment for, uninterrupted replacement water service, which may include wellhead treatment, to each affected public water supplier or private well owner. Upon failure of any person to comply with the cleanup or abatement order, the Attorney General, at the request of the board, shall petition the superior court for that county for the issuance of an injunction requiring the person to comply with the order. In the suit, the court shall have jurisdiction to grant a prohibitory or mandatory injunction, either preliminary or permanent, as the facts may warrant."

18. Section 13267(b) of the California Water Code provides that: *"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge, waste outside of its region that could affect the quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the report and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."*
19. The technical reports required by this Order are necessary to ensure compliance with this CAO and WDRs Order No. 90-055, and to ensure the protection of water quality and public health. The Discharger owns and operates the facility that discharges waste subject to this Order.
20. The issuance of this Order is an enforcement action taken by a regulatory agency and is exempt from the provisions of the California Environmental Quality Act, pursuant to Section 15321(a)(2), Title 14, California Code of Regulations.
21. Any person affected by this action of the Regional Water Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Section 2050 through 2068, Title 23, California Code of Regulations. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions are available at http://www.waterboards.ca.gov/water_laws/cawtrcde/wqpetition_instr.html and will also be provided upon request.

IT IS HEREBY ORDERED that, pursuant to Sections 13304 and 13267 of the California Water Code, Larry Morales shall cleanup and abate the Gold Beach Park WWTF in accordance with the scope and schedule set forth below and shall ensure full compliance with WDRs Order

No. 90-055.

Any person signing a document submitted under this Order shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my knowledge and on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

1. **Effectively immediately**, and continuing until this Order is rescinded, the Discharger shall submit monthly progress reports describing the work completed to date to comply with each of the requirements described below. The Monthly Progress Reports shall be submitted by the **1st day of the following month** (e.g. the September monthly report is due by 1 October). The Monthly Progress Report may be combined with the monthly monitoring report required by MRP No. 90-055.
2. By **30 September 2008**, the Discharger shall submit a report certifying the following:
 - a. The septic tank/pump station on the east side of the river has been fitted with a concrete or steel cover;
 - b. All vegetation has been removed from within the wastewater ponds and disposed of off site at an appropriate facility;
 - c. All vegetation has been removed and/or cut back from the wastewater pond berms such that complete visual inspections of the pond berms and discharge pipe can be made;
 - d. A California registered engineer has been employed to evaluate the condition of the entire wastewater collection, treatment, and disposal system.
3. By **15 October 2008**, the Discharger shall submit the following:
 - a. A *Structural Integrity Analysis Report* that evaluates the structural integrity of the upper and lower wastewater pond berms. If integrity issues and/or seepage are identified, the report shall include a description of the specific measures that will be taken to repair the pond berms and stop seepage from the wastewater pond berms. The report shall provide a specific schedule for the improvements, which shall be completed by **1 December 2008**.
 - b. A water balance prepared by a California registered engineer. The water balance shall evaluate the disposal ponds ability to provide sufficient capacity to maintain two feet of freeboard on a month-by-month basis considering the park's current occupancy and the park at full occupancy. The water balance shall include monthly evaporation,

precipitation, and percolation rates, and shall identify contributions from storm water run-on, and any inflow and infiltration to the collection system. Rainfall shall be based on the 100 year return period total annual precipitation.

- c. A report describing how the wastewater conveyance line that crosses above the Consumnes River will be retrofitted or replaced such that, the line meets all applicable state and local building codes by **15 January 2009**. Additionally, the report shall contain a spill contingency plan that describes how wastewater will immediately be diverted, stored, and disposed of if the wastewater conveyance line shows signs of failure (leakage or sagging).
4. By **1 November 2008**, the Discharger shall submit a report certifying that fences, gates, signage and/or other appropriate technology have been installed to restrict public access to the pump-house, disposal ponds, septic tanks/pump stations, and the WWTF power supply.
5. By **1 December 2008**, the Discharger shall submit a report certifying that all corrective measures cited in the *Structural Integrity Analysis Report* have been implemented.
6. By **15 January 2009**, the Discharger shall submit a letter/report that certifies that the wastewater conveyance line that crosses the Consumnes River has been retrofitted and/or replaced, and is in compliance with all applicable state and local building codes.
7. By **1 July 2009**, the Discharger shall submit a Report of Waste Discharge (RWD). The RWD shall consist of the following:
 - a. A completed Form 200 *Application/Report of Waste Discharge General Information* (enclosed), which for a corporation must be signed by a principal executive officer of at least the level of senior vice president.
 - b. The answers to the enclosed *Additional Information Requirements for a Report of Waste Discharge* (enclosed). Please note that these answers must be in the form of a technical report prepared by a California Registered Professional Engineer or Geologist.

In addition to the above, the Discharger shall comply with existing WDRs Order No. 90-055 and all applicable provisions of the California Water Code that are not specifically referred to in this Order. **As required by the California Business and Professions Code Sections 6735, 7835, and 7835.1, all reports shall be prepared by, or under the supervision of, a California Registered Engineer or Professional Geologist and signed by the registered professional.**

If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may refer this matter to the Attorney General for judicial enforcement or may issue a complaint for administrative civil liability.

Failure to comply with this Order may result in the assessment of an Administrative Civil Liability up to \$1,000 per day or up to \$10,000 per day of violation, depending on the violation, pursuant

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to the California Water Code, including section 13268. The Regional Water Board reserves its right to take any enforcement actions authorized by law.

This Order is effective upon the date of signature.

PAMELA C. CREEDON, Executive Officer

(Date)

BPK: 25-Aug-08